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--11. The telecommunications or power transport cable according to claim 1, wherein
said core of steel directly contacts said layer of stainless steel.--

--12. The telecommunications or power transport cable according to claim 6, wherein
said core of steel directly contacts said layer of stainless steel.--

✓ IN THE ABSTRACT:

✓ Line 3, delete "comprising" and insert therefor --having--.

REMARKS

Summary Of The Office Action

Claims 1-5 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1-5 and adding claims 6-12. No new matter is added.

Applicant thanks the Examiner for acknowledging the claim to foreign priority, and for confirming that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO-1449 that was submitted as part of the Information Disclosure Statement filed November 24, 1999.

The abstract is objected to for the minor reason set forth at page 2 of the Office Action. Applicant's foregoing amendment to the abstract overcomes this objection.

Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons set forth at pages 2-3 of the Office Action. Applicant's foregoing claim amendments and additions are believed to overcome this rejection.

The prior art rejections are summarized as follows:

1. Claims 1, 2, and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marlier et al. (USP 5,125,062) in view of Kazuya (JP 1-276507).

2. Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marlier et al. in view of Kazuya and Applicant's disclosure at page 4, lines 7-16.

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 103

In rejecting claims 1, 2, and 4, the Examiner takes the position that

Marlier et al. discloses a telecommunication cable that is structurally reinforced by incorporating at least one reinforcing wire armoring having one or more layers of wires, the cable including at least one reinforcing wire or armoring wire which has a core (4, 5) of steel (claim 1). Marlier et al. does not disclose the steel core or sheet being covered by a layer of stainless steel (4). Kazuya discloses a composite steel wire in which a steel core is covered by a layer of stainless steel (4). It would have been obvious . . . to cover the steel core and the steel sheet of Marlier et al. with a stainless steel layer to protect the wire from lightning strike as taught by Kazuya.

Office Action at page 4. Applicant respectfully disagrees.

Marlier et al. is directed to optical fiber cables, and, in particular, to the construction of the casing for such cables that have high mechanical strength. The references discloses that conventional optical fiber cables suffer from poor resistance to water infiltration in the case of *immersed* (i.e., undersea) cables (col. 1, lines 12-56).

Referring to Fig. 1, Marlier et al. teaches an optical fiber cable having optical fibers 3 disposed in a gel 2; a steel tube 1 surrounding the gel and fibers; steel wires 4, 5a, 5b for providing mechanical strength disposed in a helical manner around the tube 1; a conductive strip 7 surrounding the steel wires 4, 5a, 5b; a semiconducting interface layer surrounding the

conductive strip 1, and an outer sheath 8. As admitted by the Examiner, the optical fiber cable does not disclose strength members made from a composite steel material.

JP '507, on the other hand, is directed to elevated electrical lines that are subject to lightning strikes. That is, unlike the cable disclosed in Marlier et al., the cable of JP '507 does not carry optical fibers, and is not intended to be submerged.

More specifically, referring to Fig. 1, JP '507 discloses an element wire 1 having a steel core 2, an interlayer 3 made from copper, copper alloy, aluminum, or aluminum alloy, and an outer stainless steel layer 4. As taught by the reference, when lightning strikes the wire, the stainless steel layer, having a high melting point, resists fusing so that the steel core 2 is protected from damage.

Therefore, as a preliminary matter, given that Marlier et al. is directed to an underwater fiber optic cable, one skilled in the art would not have found it obvious (i.e., would not have been motivated) to modify this cable to protect it from lightning strikes based on the teaching of JP '507.

More importantly, present independent claim 1 recites a telecommunications cable having a armoring made from "*one or more layers of wires* wherein said one or more layers of wires includes a composite steel wire having a core of steel of a standard type, and covered in a layer of stainless steel." Assuming, arguendo, that one were to modify the cable of Marlier et al. to have the lightning protective feature of JP '507, the result would be to have the core of the cable surrounded by a *next to outer* interlayer of copper or aluminum and an *outer* stainless steel layer. That is, the result would be additional layers of material *concentric* to the steel tube 1. Clearly this would not meet the limitation of one or more *layers of wires*, at least one being a composite steel wire as required by claim 1.

Similarly, with respect to added claim 6, the alleged modified cable of Marlier et al. would not include a *separate* composite steel reinforcing wire.

In view of at least the foregoing distinctions, claims 1 and 6 are believed to be allowable over the applied art, as are claims 2-5 and 7-12 at least by reason of their respective dependencies.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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